

Exhibit

G

MR

(3)

Security Credit Systems, Inc.
622 Main Street, Suite 301
Buffalo, NY 14202

WEEKLY WORK HOURS

ACCURATELY RECORDING TIME WORKED IS THE RESPONSIBILITY OF EVERY EMPLOYEE.

TIME WORKED IS ALL THE TIME ACTUALLY SPENT ON THE JOB PERFORMING ASSIGNED DUTIES.

If an employee punches in Early, or punches out late, without prior approval of a supervisor, the time recorded is defaulted to an 8-hour workday.

A WEEKLY WORK SCHEDULE CONSISTS OF:

MONDAY HOURS 10:00 AM – 7:00 PM
TUESDAY – FRIDAY HOURS ARE 8:00 AM – 4:30 PM

THE LAST TWO (2) WEEKS OF EVERY MONTH:

MONDAY HOURS 10:00 am – 7:00 pm
TUESDAY – WEDNESDAY & FRIDAY 8:00 AM – 4:30 PM
THURSDAYS 10:00 AM – 7:00 PM

Each employee is allowed 30 minutes of break time and one (1) 30 minute lunch break.
Each employee is to punch in and out for each and every break.

***** NO EXCEPTIONS *****

If there are any questions contact your supervisor.

You signed this.

Archived Time Card Report

Includes selected workgroups for all employees.

Location	Niagara St	Custom 1
Department	Collection	Custom 2
Cost Center	Retail	Custom 3
Badge	143	Custom 4
ID Number	143	Custom 5
SSN	093-44-2893	Custom 6
Class	Full Time Class	Rate
Hire Date	09/10/07	0.0000

MR 5

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
09/10/07					79:30	Regular	
09/24/07					40:00	Regular	
10/01/07					40:00	Regular	
10/08/07					40:00	Regular	
10/15/07					32:00	Regular	
10/22/07					40:00	Regular	
10/29/07					40:00	Regular	
11/05/07					31:45	Regular	
11/12/07					32:00	Regular	
11/13/07					8:00	Regular	
11/19/07					12:00	Regular	

LOC-DEPT-CC	Pay Designation	Hours	Rate	Dollars
001-006-006	Regular	395:15	0.0000	0.0000

Supervisor Edits

GCOUGHLIN 09/23/07 7:07p CREDIT 79:30 Regular 001-006-006 09/10/07
 GCOUGHLIN 10/04/07 4:27p CREDIT 40:00 Regular 001-006-006 09/24/07
 GCOUGHLIN 10/08/07 2:17p CREDIT 40:00 Regular 001-006-006 10/01/07
 GCOUGHLIN 10/22/07 1:27p CREDIT 40:00 Regular 001-006-006 10/08/07
 GCOUGHLIN 10/22/07 1:27p CREDIT 32:00 Regular 001-006-006 10/15/07
 GCOUGHLIN 11/05/07 3:41p CREDIT 40:00 Regular 001-006-006 10/22/07
 GCOUGHLIN 11/05/07 3:42p CREDIT 40:00 Regular 001-006-006 10/29/07
 GCOUGHLIN 11/16/07 1:58a CREDIT 31:45 Regular 001-006-006 11/05/07
 GCOUGHLIN 11/16/07 1:58a CREDIT 32:00 Regular 001-006-006 11/12/07
 GCOUGHLIN 11/16/07 2:00p CREDIT 8:00 Regular 001-006-006 11/13/07
 GCOUGHLIN 12/03/07 3:19p CREDIT 12:00 Regular 001-006-006 11/19/07

MACCAGNANO, JOSEPH

Location	Niagara St	Custom 1
Department	Collection	Custom 2
Cost Center	College Div	Custom 3
Badge	983	Custom 4
ID Number	983	Custom 5
SSN	055-62-4380	Custom 6
Class	Full Time Class	Rate
Hire Date	12/03/07	0.0000

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
12/03/07					36:00	Regular	
12/10/07					36:00	Regular	
12/17/07					40:00	Regular	
12/24/07					32:00	Regular	
12/31/07					32:00	Regular	
01/07/08					40:00	Regular	
01/21/08					80:00	Regular	
01/28/08					80:00	Regular	
02/11/08					80:00	Regular	
02/25/08					80:00	Regular	
03/11/08					80:00	Regular	
03/24/08					80:00	Regular	

Archived Time Card Report

Includes selected workgroups for all employees.

04/07/08					80:00	Regular	
04/21/08					8:00	Regular	
04/22/08					8:00	Regular	
04/23/08					8:00	Regular	
04/24/08					8:00	Regular	
04/25/08	8:00a 3:19p	12:30p 4:31p	1:01p	3:04p	7:59	8:00a/ 4:30p	Long Lun.
04/25/08					7:59	Regular	
04/28/08	9:55a 1:27p 5:23p	12:02p 3:32p 7:02p	12:15p 3:42p	1:00p 5:03p	8:00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. B
04/28/08					8:00		
04/29/08	7:57a 11:58a 3:18p	9:02a 12:32p 4:31p	9:08a 12:59p	11:53a 3:06p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk., Shrt. I
04/29/08					8:00		
04/30/08	7:59a 1:00p	10:02a 3:02p	10:20a 3:15p	12:30p 4:31p	7:57	8:00a/ 4:30p	Long Brk.
04/30/08					7:57		
05/01/08	7:58a 12:56p	10:05a 3:01p	10:17a 3:13p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/01/08					8:00		
05/02/08	7:59a 1:00p	10:02a 3:02p	10:16a 3:18p	12:31p 4:34p	7:59	8:00a/ 4:30p	Left Late, Shrt. Lun., Long Brk.
05/02/08					7:59		
05/05/08	9:55a 1:30p 5:26p	12:05p 3:29p 7:01p	12:17p 3:43p	1:02p 5:00p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
05/05/08					8:00		
05/06/08	12:56p	3:08p	3:20p	4:32p	3:04	8:00a/ 4:30p	Tardy, Left Late, Shrt. Lun.
05/06/08					3:04		
05/07/08	8:00a 12:59p	10:04a 2:59p	10:18a 3:13p	12:32p 4:31p	8:00	8:00a/ 4:30p	Shrt. Lun.
05/07/08					8:00		
05/08/08	7:57a 12:56p	10:04a 3:05p	10:17a 3:18p	12:32p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/08/08					8:00		
05/09/08	8:02a 12:58p	10:02a 3:03p	10:13a 3:19p	12:30p 4:31p	7:57	8:00a/ 4:30p	Tardy, Shrt. Lun., Long Brk.
05/09/08					7:57		
05/12/08	9:53a 1:31p 5:27p	12:01p 3:32p 7:02p	12:12p 3:47p	1:00p 5:01p	7:59	10:00a/ 7:00p	Arr. Early, Left Late, Long Lun., Shrt. L
05/12/08					7:59		
05/13/08	7:55a 12:59p	9:46a 3:05p	10:00a 3:16p	12:30p 4:32p	8:00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun.
05/13/08					8:00		
05/13/08	7:56a 1:02p	10:02a 3:03p	10:15a 3:16p	12:30p 4:31p	7:58	8:00a/ 4:30p	Arr. Early, Long Lun.
05/14/08					7:58		
05/14/08	7:58a 1:01p	10:01a 3:02p	10:15a 3:15p	12:31p 4:31p	8:00	8:00a/ 4:30p	Arr. Early
05/15/08					8:00		
05/16/08	7.55a 12:58p	10:02a 2:34p	10:15a 2:47p	12:30p 4:01p	7:31	8:00a/ 4:30p	Arr. Early, Left Early, Shrt. Lun.
05/16/08					7:31		
05/16/08					0:30	Earned	
05/19/08	10:00a 3:53p	1:03p 5:02p	1:30p 5:31p	3:39p 7:01p	7:31	Regular	
05/19/08					8:00	10:00a/ 7:00p	Shrt. Lun.
05/20/08	7:58a 12:59p	10:01a 3:00p	10:13a 3:14p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/20/08					8:00		
05/21/08	7:57a 1:01p	10:01a 3:04p	10:15a 3:15p	12:30p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Long Lun.
05/21/08					7:59		

Archived Time Card Report

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05/22/08	10:04a 1:29p 5:28p	12:03p 3:32p 7:01p	12:16p 3:44p	1:00p 5:04p	7:56	10:00a/ 7:00p	Tardy, Shrt. Lun.
05/22/08	7:56a	9:59a	10:15a	12:30p	7:56	Regular	
05/23/08	12:57p	3:05p	3:18p	4:31p	7:59	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
05/23/08					7:59	Regular	
05/26/08					8:00	Holiday	
05/27/08	9:56a 1:31p 5:33p	12:09p 3:30p 7:01p	12:23p 3:50p	1:01p 5:04p	7:55	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
05/27/08					7:55	Regular	
05/28/08	7:56a 12:58p	10:00a 3:01p	10:13a 3:14p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/28/08					8:00	Regular	
05/29/08	10:00a 1:29p 5:29p	12:01p 3:31p 7:00p	12:17p 3:44p	1:00p 5:01p	7:59	10:00a/ 7:00p	Shrt. Lun., Long Brk.
05/29/08					7:59	Regular	
05/30/08	7:55a 1:00p	10:04a 3:03p	10:19a 3:17p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/30/08					8:00	Regular	
06/02/08	10:00a 1:37p 5:29p	12:02p 3:29p 7:01p	12:15p 3:44p	1:11p 4:59p	8:00	10:00a/ 7:00p	Shrt. Lun.
06/02/08					8:00	Regular	
06/03/08	7:56a 1:00p	10:01a 3:00p	10:15a 3:18p	12:30p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Long Brk.
06/03/08					7:57	Regular	
06/04/08	8:05a 1:05p	10:03a 3:05p	10:15a 3:17p	12:34p 4:31p	7:54	8:00a/ 4:30p	Tardy, Long Lun.
06/04/08					7:54	Regular	
06/05/08	8:00a 1:00p	10:04a 3:01p	10:19a 3:16p	12:31p 4:30p	8:00	8:00a/ 4:30p	Shrt. Lun.
06/05/08					8:00	Regular	
06/06/08	7:56a 1:01p	10:00a 2:59p	10:16a 3:14p	12:30p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
06/06/08					7:58	Regular	
06/09/08	9:58a 1:30p 5:29p	12:00p 2:58p 7:00p	12:16p 3:10p	1:01p 5:00p	7:59	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
06/09/08					7:59	Regular	
06/10/08	8:02a 12:58p	9:43a 3:08p	9:57a 3:21p	12:30p 4:30p	7:58	8:00a/ 4:30p	Tardy, Shrt. Lun.
06/10/08					7:58	Regular	
06/11/08	7:57a 1:00p	10:03a 3:00p	10:17a 3:15p	12:31p 4:32p	8:00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun.
06/11/08					8:00	Regular	
06/12/08	8:05a 1:01p	10:07a 3:03p	10:23a 3:23p	12:33p 4:30p	7:49	8:00a/ 4:30p	Tardy, Shrt. Lun., Long Brk.
06/12/08					7:49	Regular	
06/13/08	8:01a 1:02p	10:01a 3:01p	10:16a 3:16p	12:30p 4:30p	7:57	8:00a/ 4:30p	Long Lun.
06/13/08					7:57	Regular	
06/16/08	9:47a 1:29p 5:29p	12:02p 3:35p 7:00p	12:17p 3:50p	1:01p 5:02p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
06/16/08					8:00	Regular	
06/17/08	7:56a 12:55p	10:01a 3:03p	10:16a 3:16p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
06/17/08					8:00	Regular	
06/18/08	7:56a 12:59p	10:00a 3:04p	10:15a 3:15p	12:31p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
06/18/08					8:00	Regular	
06/19/08	10:00a 1:30p	12:06p 3:30p	12:15p 3:43p	1:02p 5:00p	8:00	10:00a/ 7:00p	Shrt. Lun., Shrt. Brk.
06/19/08					8:00	Regular	

Archived Time Card Report

Includes selected workgroups for all employees.

	5:29p	7:00p						
06/19/08					8:00	Regular		
06/20/08	7:55a 1:14p	10:00a 4:30p	10:13a	12:30p	7:46	8:00a/ 4:30p	Arr. Early, Long Lun.	
06/20/08					8:00	Regular		
06/20/08							LONG LUNCH NO BREAK	
06/23/08	9:56a 1:27p 5:31p	12:04p 3:31p 7:01p	12:16p 3:43p	1:02p 5:05p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.	
06/23/08					8:00	Regular		
06/24/08	7:58a 12:59p	10:05a 3:02p	10:17a 3:21p	12:30p 4:31p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.	
06/24/08					7:56	Regular		
06/25/08	7:59a 12:59p	10:01a 3:03p	10:15a 3:19p	12:31p 4:30p	7:59	8:00a/ 4:30p	Shrt. Lun., Long Brk.	
06/25/08					7:59	Regular		
06/26/08	9:57a 1:30p 5:26p	12:01p 3:30p 7:01p	12:16p 3:44p	1:02p 5:01p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.	
06/26/08					8:00	Regular		
06/27/08	7:59a 1:04p	10:02a 3:04p	10:15a 3:16p	12:37p 4:31p	8:00	8:00a/ 4:30p	Shrt. Lun.	
06/27/08					8:00	Regular		
06/30/08	7:56a 1:00p	10:10a 3:04p	10:21a 3:18p	12:31p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.	
06/30/08					8:00	Regular		
07/01/08	9:57a 1:31p 5:32p	12:02p 3:08p 7:02p	12:15p 3:21p	1:00p 5:07p	7:59	10:00a/ 7:00p	Arr. Early, Left Late, Long Lun., Shrt. L	
07/01/08					7:59	Regular		
07/02/08	7:59a 1:00p	10:03a 3:02p	10:17a 3:18p	12:31p 4:31p	7:59	8:00a/ 4:30p	Shrt. Lun., Long Brk.	
07/02/08					7:59	Regular		
07/03/08	7:55a 1:00p	10:00a 3:07p	10:17a 3:18p	12:30p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Long Brk.	
07/03/08					7:58	Regular		
07/04/08					8:00	Holiday		
07/07/08	9:53a 1:28p 5:32p	12:01p 3:27p 7:01p	12:14p 3:40p	1:02p 5:02p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.	
07/07/08					8:00	Regular		
07/08/08	8:02a 1:01p	10:04a 2:59p	10:18a 3:13p	12:30p 4:32p	7:57	8:00a/ 4:30p	Tardy, Left Late, Long Lun.	
07/08/08					7:57	Regular		
07/09/08	7:59a	9:59a	10:14a	12:03p	4:03	8:00a/ 4:30p	Left Early	
07/09/08					4:00	Sick		
07/09/08					4:03	Regular		
07/10/08	8:00a 1:00p	10:00a 3:00p	10:11a 3:14p	12:32p 4:30p	8:00	8:00a/ 4:30p	Shrt. Lun.	
07/10/08					8:00	Regular		
07/11/08	7:55a 12:58p	10:01a 3:02p	10:15a 3:16p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.	
07/11/08					8:00	Regular		
07/14/08	9:54a 1:27p 5:29p	12:00p 3:04p 7:00p	12:13p 3:17p	1:01p 5:03p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.	
07/14/08					8:00	Regular		
07/15/08	7:53a 12:56p	10:02a 3:01p	10:13a 3:12p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.	
07/15/08					8:00	Regular		
07/16/08	7:56a 1:00p	10:20a 3:00p	10:32a 3:14p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early	
07/16/08					8:00	Regular		
07/17/08	9:45a 1:28p 5:27p	12:00p 3:31p 7:00p	12:14p 3:45p	1:01p 5:01p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.	
07/17/08					8:00	Regular		

Archived Time Card Report

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07/17/08					8:00	Regular	
07/18/08	7:55a 12:56p	10:01a 3:02p	10:19a 3:13p	12:30p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
07/18/08					7:57	Regular	
07/21/08	9:52a 1:32p 5:30p	12:05p 3:31p 7:00p	12:25p 3:45p	1:05p 5:00p	7:55	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
07/21/08					7:55	Regular	
07/22/08	7:56a 12:57p	10:00a 3:01p	10:13a 3:14p	12:31p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
07/22/08					8:00	Regular	
07/23/08	7:57a 1:04p	10:02a 3:00p	10:15a 3:15p	12:40p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
07/23/08					8:00	Regular	
07/24/08	10:10a 1:29p 5:44p	11:10a 3:32p 7:02p	11:28a 3:44p	1:00p 5:15p	7:47	10:00a/ 7:00p	Tardy, Left Late, Shrt. Lun., Long Brk.
07/24/08					7:47	Regular	
07/25/08	7:55a 1:00p	10:05a 3:00p	10:18a 3:16p	12:30p 4:31p	7:59	8:00a/ 4:30p	Arr. Early, Long Brk.
07/25/08					7:59	Regular	
07/28/08	9:51a 1:32p 5:38p	12:02p 3:33p 7:01p	12:11p 3:44p	1:02p 5:10p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Shrt. Brk.
07/28/08					8:00	Regular	
07/29/08	7:52a 12:59p	10:03a 2:03p	10:19a	12:31p	5:34	8:00a/ 4:30p	Arr. Early, Left Early, Long Brk.
07/29/08					5:34	Regular	
07/30/08	7:55a 12:56p	10:04a 3:00p	10:21a 3:12p	12:30p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
07/30/08					7:58	Regular	
07/31/08	7:56a 1:02p	10:44a 3:03p	10:57a 3:17p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early
07/31/08					8:00	Regular	
08/01/08	8:00a 12:58p	10:03a 3:06p	10:15a 3:18p	12:30p 4:31p	8:00	8:00a/ 4:30p	Shrt. Lun.
08/01/08					8:00	Regular	
08/04/08	9:54a 1:31p 7:01p	12:04p 3:19p	12:19p 4:56p	1:01p 5:25p	8:00	10:00a/ 7:00p	Arr. Early, Miss. Pun.
08/04/08					8:00	Regular	
08/05/08	7:58a 12:58p	10:06a 3:01p	10:19a 3:16p	12:30p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
08/05/08					8:00	Regular	
08/06/08	7:55a 1:01p	10:01a 3:21p	10:14a 3:34p	12:31p 4:30p	8:00	8:00a/ 4:30p	Arr. Early
08/06/08					8:00	Regular	
08/07/08	7:57a 12:57p	10:13a 3:02p	10:30a 3:13p	12:31p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
08/07/08					7:58	Regular	
08/08/08	7:56a 1:01p	10:52a 3:00p	11:04a 3:14p	12:30p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Long Lun.
08/08/08					7:59	Regular	
08/11/08	9:55a 1:28p 5:33p	12:00p 3:00p 7:00p	12:11p 3:12p	1:02p 5:05p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
08/11/08					8:00	Regular	
08/12/08	7:55a 1:00p	10:11a 2:48p	10:27a 3:03p	12:33p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
08/12/08					7:59	Regular	
08/13/08	7:55a 12:58p	10:05a 3:06p	10:20a 3:18p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
08/13/08					8:00	Regular	
08/14/08	7:58a 1:00p	10:01a 3:04p	10:15a 3:16p	12:30p 4:33p	8:00	8:00a/ 4:30p	Arr. Early, Left Late
08/14/08					8:00	Regular	

Archived Time Card Report

Includes selected workgroups for all employees.

08/15/08	7:57a 1:01p	10:00a 3:06p	10:17a 3:23p	12:30p 4:30p	7:55	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
08/15/08					7:55	Regular	
08/18/08	9:24a 1:32p 5:31p	12:01p 3:30p 7:00p	12:14p 3:50p	1:02p 5:05p	7:55	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
08/18/08					7:55	Regular	
08/19/08	7:57a 1:01p	10:00a 3:03p	10:15a 3:26p	12:31p 4:32p	7:52	8:00a/ 4:30p	Arr. Early, Left Late, Long Brk.
08/19/08					7:52	Regular	
08/20/08	7:55a 12:56p	10:02a 3:02p	10:13a 3:21p	12:31p 4:30p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
08/20/08					7:56	Regular	
08/21/08	7:59a 1:32p 5:32p	11:47a 3:35p 7:02p	12:01p 3:50p	1:02p 5:03p	10:01	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Max Sl
08/21/08					10:01	Regular	
08/22/08	8:00a 3:16p	8:48a 4:31p	11:52a	3:02p	5:26	8:00a/ 4:30p	Long Lun.
08/22/08					5:26	Regular	
08/25/08	9:48a 1:31p 5:43p	11:48a 3:30p 7:00p	11:59a 3:45p	1:04p 5:15p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
08/25/08					8:00	Regular	
08/26/08	7:54a 12:59p	10:10a 3:03p	10:20a 3:22p	12:33p 4:31p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk., Shrt. L
08/26/08					7:56	Regular	
08/27/08	7:56a 1:07p	10:02a 3:04p	10:17a 3:19p	12:31p 4:31p	7:54	8:00a/ 4:30p	Arr. Early, Long Lun.
08/27/08					7:54	Regular	
08/28/08	9:57a 3:49p	1:08p 5:03p	1:40p 5:32p	3:35p 7:01p	7:58	10:00a/ 7:00p	Arr. Early, Long Lun., Shrt. Lun.
08/28/08					7:58	Regular	
08/29/08	8:00a 1:02p	10:06a 3:00p	10:20a 3:14p	12:30p 4:30p	7:58	8:00a/ 4:30p	Long Lun.
08/29/08					7:58	Regular	
09/01/08					8:00	Holiday	
09/02/08	9:47a 1:36p 5:28p	11:44a 3:37p 7:00p	11:59a 3:49p	1:00p 5:01p	7:54	10:00a/ 7:00p	Arr. Early, Long Lun., Shrt. Lun.
09/02/08					7:54	Regular	
09/03/08	7:55a 12:59p	10:00a 3:01p	10:13a 3:19p	12:30p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/03/08					7:57	Regular	
09/04/08	7:57a 12:59p	10:00a 3:04p	10:15a 3:19p	12:34p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
09/04/08					8:00	Regular	
09/05/08	7:51a 1:03p	10:01a 3:06p	10:15a 3:20p	12:34p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
09/05/08					8:00	Regular	
09/08/08	9:55a 1:36p 5:44p	11:44a 3:36p 7:01p	12:01p 3:53p	1:08p 5:21p	7:56	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
09/08/08					7:56	Regular	
09/09/08	7:55a 12:59p	10:04a 3:04p	10:19a 3:21p	12:31p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/09/08					7:58	Regular	
09/10/08	7:55a 1:00p	10:02a 3:06p	10:15a 3:19p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early
09/10/08					8:00	Regular	
09/11/08	7:57a 1:01p	10:06a 3:04p	10:23a 3:19p	12:32p 4:31p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/11/08					7:58	Regular	
09/12/08	7:55a 1:04p	10:03a 3:02p	10:20a 3:20p	12:30p 4:30p	7:51	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
09/12/08					7:51	Regular	

Archived Time Card Report

Includes selected workgroups for all employees.

09/15/08	10:01a 1:31p 5:28p	11:43a 3:30p 7:00p	11:59a 3:48p	1:04p 5:01p	7:55	10:00a/ 7:00p	Shrt. Lun., Long Brk.
09/15/08					7:55	Regular	
09/16/08	7:55a 1:01p	10:01a 3:00p	10:14a 3:19p	12:32p 4:30p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/16/08					7:56	Regular	
09/17/08	7:59a 1:03p	10:03a 2:56p	10:18a 3:15p	12:30p 4:30p	7:53	8:00a/ 4:30p	Long Lun., Long Brk.
09/17/08					7:53	Regular	
09/18/08	9:57a 1:29p 5:31p	11:45a 3:31p 7:00p	12:03p 3:53p	1:00p 5:00p	7:49	10:00a/ 7:00p	Arr. Early, Long Lun., Shrt. Lun., Long
09/18/08					7:49	Regular	
09/19/08	8:00a 1:08p 4:31p	10:00a 3:01p	10:17a 3:17p	12:30p 4:30p	8:00	8:00a/ 4:30p	Miss. Pun.
09/19/08					8:00	Regular	
09/22/08	9:54a 1:30p 5:32p	11:41a 3:32p 7:01p	11:55a 3:46p	1:00p 5:03p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
09/22/08					8:00	Regular	
09/23/08	7:58a 1:00p	10:00a 3:04p	10:15a 3:18p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early
09/23/08					8:00	Regular	
09/24/08	7:56a 1:00p	10:07a 3:00p	10:21a 3:20p	12:30p 4:31p	7:55	8:00a/ 4:30p	Arr. Early, Long Brk.
09/24/08					7:55	Regular	
09/25/08	7:58a 1:01p	10:59a 2:12p	11:14a 2:27p	12:30p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Long Lun.
09/25/08					7:59	Regular	
09/26/08	7:54a 1:07p	10:01a 3:00p	10:15a 3:16p	12:30p 4:31p	7:52	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
09/26/08					7:52	Regular	
09/29/08	9:52a 1:31p 5:35p	11:44a 3:08p 7:01p	12:00p 3:23p	1:02p 5:07p	7:59	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
09/29/08					7:59	Regular	
09/30/08	7:57a 12:56p	10:09a 3:00p	10:28a 3:21p	12:33p 4:31p	7:50	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/30/08					7:50	Regular	
10/01/08	7:55a 12:58p	9:50a 3:05p	10:08a 3:18p	12:32p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
10/01/08					7:57	Regular	
10/02/08	7:54a 1:00p	10:20a 3:00p	10:39a 3:15p	12:31p 4:30p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
10/02/08					7:56	Regular	

LOC-DEPT-CC	Pay Designation	Hours	Rate	Dollars
001-006-002	Regular	1693:37	0.0000	0.0000
001-006-002	Sick	4:00	0.0000	0.0000
001-006-002	Holiday	24:00	0.0000	0.0000
001-006-002	Earned	0:30	0.0000	0.0000

Supervisor Edits

GCOUGHLIN 12/17/07 2:32p CREDIT 36:00 Regular 001-006-002 12/03/07
 GCOUGHLIN 12/17/07 2:33p CREDIT 36:00 Regular 001-006-002 12/10/07
 GCOUGHLIN 12/26/07 4:25p CREDIT 40:00 Regular 001-006-002 12/17/07
 GCOUGHLIN 12/28/07 2:47p CREDIT 32:00 Regular 001-006-002 12/24/07
 GCOUGHLIN 01/10/08 1:18p CREDIT 32:00 Regular 001-006-002 12/31/07
 GCOUGHLIN 01/14/08 1:43p CREDIT 40:00 Regular 001-006-002 01/07/08
 GCOUGHLIN 01/28/08 2:19p CREDIT 80:00 Regular 001-006-002 01/21/08
 GCOUGHLIN 02/11/08 3:54p CREDIT 80:00 Regular 001-006-002 01/28/08
 GCOUGHLIN 02/25/08 6:35p CREDIT 80:00 Regular 001-006-002 02/11/08
 GCOUGHLIN 03/10/08 2:29p CREDIT 80:00 Regular 001-006-002 02/25/08

Archived Time Card Report

Includes selected workgroups for all employees.

GCOUGHLIN 03/24/08 3:11p CREDIT 80:00 Regular 001-006-002 03/11/08
 GCOUGHLIN 04/07/08 2:12p CREDIT 80:00 Regular 001-006-002 03/24/08
 GCOUGHLIN 04/21/08 2:29p CREDIT 80:00 Regular 001-006-002 04/07/08
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/21/08
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/22/08
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/23/08
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/24/08
 GCOUGHLIN 05/05/08 3:44p ADJ TRANS TIME FROM 04/25/08 11:33a TO 04/25/08 10:00a
 GCOUGHLIN 05/05/08 3:44p ADJ TRANS TIME FROM 04/25/08 10:00a TO 04/25/08 8:00a
 GCOUGHLIN 05/05/08 3:44p ADJ TRANS TIME FROM 04/28/08 5:21p TO 04/28/08 5:23p
 GCOUGHLIN 05/19/08 2:48p CREDIT 4:56 Regular 001-006-002 05/06/08
 GCOUGHLIN 05/19/08 2:49p CREDIT 0:30 Earned 001-006-002 05/16/08
 GCOUGHLIN 06/02/08 2:02p CREDIT 8:00 Holiday 001-006-002 05/26/08
 GCOUGHLIN 06/30/08 9:50a CREDIT 0:14 Regular 001-006-002 06/20/08
 GCOUGHLIN 07/14/08 7:13p CREDIT 8:00 Holiday 001-006-002 07/04/08
 GCOUGHLIN 07/14/08 2:44p CREDIT 4:00 Sick 001-006-002 07/09/08
 GCOUGHLIN 07/14/08 7:13p ADD PUN 07/10/08 4:30p
 GCOUGHLIN 08/26/08 10:25a CREDIT 0:34 Regular 001-006-002 08/22/08
 GCOUGHLIN 09/08/08 5:01p CREDIT 8:00 Holiday 001-006-002 09/01/08
 GCOUGHLIN 09/19/08 2:03p ADD PUN 09/19/08 4:30p

MACIEJEWSKI, SARAH M

Location	Niagara St	Custom 1
Department	Collection	Custom 2
Cost Center	Medical	Custom 3
Badge	196	Custom 4
ID Number	196	Custom 5
SSN	073-64-3532	Custom 6
Class	Full Time Class	Rate 0.0000
Hire Date	10/20/08	

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
LOC-DEPT-CC	Pay Designation		Hours	Rate	Dollars		

Supervisor Edits**MACRE, ROBERT M**

Location	Niagara St	Custom 1
Department	Collection	Custom 2
Cost Center	Medical	Custom 3
Badge	147	Custom 4
ID Number	147	Custom 5
SSN	131-58-6711	Custom 6
Class	Full Time Class	Rate 1.0000
Hire Date	10/15/07	

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
10/15/07					40:00	Regular	
10/22/07					40:00	Regular	
10/29/07					40:00	Regular	
11/05/07					40:00	Regular	
11/12/07					32:00	Regular	
11/13/07					8:00	Regular	
11/19/07					12:00	Regular	
11/20/07					12:00	Regular	
11/21/07					8:00	Regular	
11/26/07					40:00	Regular	
12/03/07					80:00	Regular	
12/17/07					40:00	Regular	

MR

(6)

*Security Credit Systems, Inc.
623 Main Street, Suite 301
Buffalo, NY 14202*

TIMEKEEPING AND USE OF TIMECLOCK

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and State laws require SCS to keep an accurate record of time worked in order to calculate employee's pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it performed.

SCS utilizes a "hand reader" style of time clock. All hourly employees are required to punch in their employee number as assigned by his/her supervisor, and insert hand as instructed. Employees are required to punch as follows:

- When employee arrives to begin workday
- When beginning morning break
- When returning from morning break
- When beginning lunch or dinner break
- When returning from lunch or dinner break
- When beginning afternoon break
- When returning from afternoon break
- When shift is over.

If employee punches in early, or punches out late, without prior approval of supervisor, the time recorded will default to an 8-hour workday. Any deviation from employees scheduled work hours without prior approval may result in a loss of compensation.

If there are any problems with punching in, or employee must deviate from a normal schedule, employee's supervisor must be notified immediately.

Should there be a question regarding the accuracy of recorded time, please see supervisor. All timecards are available for review at employee's request.

FAILURE TO PUNCH IN AND OUT MAY RESULT IN TERMINATION.

You signed this.

Exhibit

H

Coughlin - Cohen - 10/01/09

93

11:07:06 1 **Q.** Mr. Coughlin, I'm handing you a
11:07:08 2 document that's been marked as Exhibit 20. Do you
11:07:13 3 recognize Exhibit 20? Feel free to unclip it if
11:07:16 4 you need to.

11:07:16 5 **A.** Yes.

11:07:16 6 **Q.** What is Exhibit 20?

11:07:18 7 **A.** It's an archived time-card report.

11:07:21 8 **Q.** And is Exhibit 20 an archived time-card
11:07:26 9 report for a specific employee?

11:07:35 10 **A.** Yes.

11:07:35 11 **Q.** And for which employee is Exhibit 20 an
11:07:35 12 archived time-card report?

11:07:35 13 **A.** Kevin Baron.

11:07:35 14 **MS. MALLIA:** I'm sorry. Can we have a
11:07:39 15 minute to look through it?

11:07:41 16 **MR. COHEN:** Sure. And I will say for the
11:07:48 17 record, that this is -- as the pages indicate at
11:07:51 18 the bottom, an excerpt of a document that is
11:07:58 19 2,336 pages. The pages represented on the bottom
11:08:00 20 of each page of Exhibit 20 are the pages of that
11:08:04 21 2,336 page document.

11:08:29 22 **MS. MALLIA:** Okay. Up through 300.

11:08:35 23 **MR. COHEN:** Yes.

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1 STATE OF NEW YORK)

2 SS:

3 | COUNTY OF NIAGARA)

4

I DO HEREBY CERTIFY as a Notary Public in and
for the State of New York, that I did attend and
report the foregoing deposition, which was taken
down by me in a verbatim manner by means of machine
shorthand. Further, that the deposition was then
reduced to writing in my presence and under my
direction. That the deposition was taken to be
used in the foregoing entitled action. That the
said deponent, before examination, was duly sworn
to testify to the truth, the whole truth and
nothing but the truth, relative to said action.

16

17

18

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27

22

2

Wendy D. Herman
WENDY D. HERMAN,
Notary Public.

WENDY D. HERMAN,
Notary Public.

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Exhibit

I

Murray - Schmit - 12/29/09

6

09:10:51 1 **Q.** Following receipt of the complaint, you
09:10:53 2 did undertake an investigation; is that correct?

09:10:54 3 **A.** Yes.

09:10:54 4 **Q.** And what was the nature of that
09:10:56 5 investigation, Mr. Murray?

09:10:58 6 **A.** It was an investigation under the Fair
09:11:02 7 Labor Standards Act to determine if Security Credit
09:11:05 8 was complying with the provisions of the Fair Labor
09:11:08 9 Standards Act.

09:11:08 10 **Q.** And what was the method of
09:11:10 11 investigating? What process or procedures did you
09:11:12 12 follow in conducting your investigation?

09:11:14 13 **MR. COHEN:** Objection. Compound question.
09:11:18 14 You may answer.

09:11:19 15 **THE WITNESS:** I followed the generally
09:11:23 16 standard procedure we follow, which is to contact
09:11:25 17 the employer, advise them that I would be visiting
09:11:30 18 them to conduct an investigation, arrange a meeting
09:11:33 19 with the employer or some representative of the
09:11:37 20 employer to gather information, ask questions, and
09:11:42 21 to examine records, and to interview employees.

09:11:50 22 **BY MR. SCHMIT:**

09:11:50 23 **Q.** And did you have that meeting with the

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Murray - Schmit - 12/29/09

7

09:11:52 1 employer?

09:11:53 2 A. I visited Security Credit, yes, and met
09:11:56 3 with people there and gathered information.

09:11:58 4 Q. And you gathered some records from
09:12:00 5 Security Credit?

09:12:01 6 A. Yes.

09:12:01 7 Q. Documents?

09:12:03 8 A. Yes.

09:12:03 9 Q. And what were those, do you recall?

09:12:06 10 A. I gathered pay records, I gathered time
09:12:14 11 reports, and I gathered various memorandums that
09:12:25 12 were -- that comprised the company's employee
09:12:28 13 handbook or personnel policies.

09:12:33 14 Q. With respect to the time reports, what
09:12:39 15 are they?

09:12:41 16 A. The company calls them archived time
09:12:45 17 reports.

09:12:49 18 Q. And what do they show?

09:12:51 19 A. They show for every single day for
09:12:58 20 every single employee, if the entries were properly
09:13:03 21 made, they show the time that an employee used a
09:13:07 22 time system to record time on the clock, both in
09:13:15 23 and out.

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Murray - Schmit - 12/29/09

11

09:15:58 1 than 25.

09:15:58 2 Q. Approximately 25?

09:16:02 3 A. If I had to estimate from my
09:16:05 4 recollection, I would estimate that it was more
09:16:07 5 than 25.

09:16:08 6 Q. As many as 30?

09:16:10 7 A. Could have been.

09:16:11 8 Q. Could it have been more than 30 or less
09:16:13 9 than 30?

09:16:17 10 A. My best guess is between 25 and 30.

09:16:20 11 Q. Did those interviews take place at the
09:16:23 12 company or elsewhere?

09:16:24 13 A. It took place both at the company and
09:16:27 14 elsewhere.

09:16:32 15 Q. Did you secure statements from any of
09:16:40 16 the people interviewed?

09:16:42 17 A. Yes.

09:16:43 18 Q. Did you secure statements from all of
09:16:45 19 the people interviewed?

09:16:54 20 A. Yes.

09:17:01 21 MR. SCHMIT: I would like to request copies
09:17:03 22 of the statements secured by Mr. Murray in the
09:17:05 23 course of the investigation he just described.

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Murray - Schmit - 12/29/09

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09:17:08 1 **MR. COHEN:** And as you know, Judge Scott has
09:17:11 2 already ordered that we not turn over those
09:17:15 3 statements, the statements that are the subject of
09:17:18 4 the defendants' motion to compel earlier this year.
09:17:23 5 Therefore, we continue to object to the production
09:17:24 6 of those statements.

09:17:37 7 **BY MR. SCHMIT:**

09:17:53 8 **Q.** Now, the Secretary in her complaint has
09:17:57 9 alleged in so many words that employees worked more
09:18:06 10 than 40 hours in a week but were not compensated at
09:18:11 11 one and a half times their regular rate of pay for
09:18:15 12 hours worked in excess of 40; is that not correct?

09:18:18 13 **A.** Yes.

09:18:18 14 **Q.** Now, as a result of the investigation
09:18:22 15 you described, did you reach that conclusion?

09:18:28 16 **A.** Yes.

09:18:28 17 **Q.** Okay. Now, how is it that you reached
09:18:31 18 that conclusion?

09:18:35 19 **A.** I reached that conclusion from an
09:18:38 20 examination of different facts. I examined
09:18:43 21 information shown on pay records, archived time
09:18:49 22 reports. I considered information provided to me
09:18:56 23 by employees, and I considered information on

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Murray - Schmit - 12/29/09

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09:19:04 1 documents and memorandums provided by the company.

09:19:15 2 Q. Now, if you could, Mr. Murray, tell me
09:19:23 3 how it is that you actually examined those records,
09:19:30 4 what you did to reach the conclusion that there was
09:19:33 5 uncompensated overtime.

09:19:39 6 A. With respect to the records, I was
09:19:43 7 unable to examine them fully or completely at the
09:19:47 8 employer's premises. I obtained copies of the
09:19:52 9 records which were provided to me to bring back to
09:19:54 10 my office.

09:19:56 11 Q. Now, were those the archived time
09:19:58 12 reports?

09:19:58 13 A. They were archived time reports and
09:20:01 14 also the weekly pay records.

09:20:03 15 Q. Payroll records?

09:20:04 16 A. Payroll records. I believe they called
09:20:06 17 them payroll journals, some other name.

09:20:10 18 Q. Now, upon reviewing those records, what
09:20:15 19 did you conclude or what conclusions did you draw?

09:20:20 20 A. In reviewing the pay records, I
09:20:26 21 observed that in a pay period, which is a biweekly
09:20:31 22 pay period at this company, none of the employees
09:20:36 23 were ever shown as receiving more than 80 hours of

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Murray - Schmit - 12/29/09

14

09:20:41 1 pay in any pay period, but when I reviewed the
09:20:46 2 archived time reports and looked at the time
09:20:55 3 entries, it indicated that employees frequently
09:20:57 4 worked in excess of 40 hours per week and 80 hours
09:21:01 5 per pay period.

09:21:02 6 Q. You said worked in excess of 40 hours.
09:21:04 7 Do you mean recorded time which added up to more
09:21:07 8 than 40 hours?

09:21:11 9 A. Yes.

09:21:11 10 Q. Because you don't know whether they
09:21:14 11 worked or not, do you?

09:21:16 12 A. Information I obtained during the
09:21:18 13 investigation indicated that employees were working
09:21:21 14 during the time recorded on the archived time
09:21:24 15 reports.

09:21:25 16 Q. Okay. But with respect to a review of
09:21:28 17 the archived time reports themselves, you could not
09:21:33 18 determine whether or not there was work done during
09:21:35 19 the periods of time recorded on that document; is
09:21:40 20 that correct?

09:21:40 21 A. The time card -- archived time reports
09:21:44 22 by themselves would not indicate that.

09:21:46 23 Q. Okay. So that -- that conclusion that

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09:23:04 1 types of work performed, no.

09:23:05 2 Q. Or whether any work was performed?

09:23:07 3 A. It was not described in the
09:23:09 4 memorandums, no.

09:23:10 5 MR. SCHMIT: Okay. Go off the record for a
09:23:18 6 second.

09:23:22 7 (Discussion off the record.)

09:23:22 8 The following was marked for Identification:

09:23:22 9 DEFT. EXH. 1 wage transcription and
09:23:22 10 computation sheets, several
09:25:07 11 pages

09:25:07 12 BY MR. SCHMIT:

09:25:41 13 Q. Mr. Murray, can you identify for us the
09:25:44 14 packet of documents that has been marked for
09:25:47 15 identification as Defendant's number 1.

09:25:53 16 A. Assuming all the pages are what they
09:26:02 17 appear to be, it seems that way, this is -- these
09:26:09 18 are documents that I prepared wherein I examined
09:26:14 19 archived time reports for employees in an attempt
09:26:19 20 to determine the amount of time worked in a pay
09:26:23 21 period and recorded the time on a summary sheet.

09:26:27 22 Q. Now, with respect to that response, do
09:26:31 23 you mean the amount of time recorded as opposed to

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09:26:35 1 worked? Because from these documents, you cannot
09:26:38 2 tell whether time was worked or not; is that not
09:26:41 3 correct?

09:26:41 4 **A.** From the document -- from the archived
09:26:43 5 time reports, it doesn't show actual work. It
09:26:46 6 shows time entries.

09:26:48 7 **Q.** Thank you. Now, I think in response to
09:26:53 8 an Interrogatory, and I could be wrong on this,
09:26:54 9 Mr. Cohen, but I think it was, it was mentioned
09:26:57 10 that there was a single pay period used for this
09:27:01 11 initial study.

09:27:04 12 **A.** Yes. . There was a pay period used as a
09:27:06 13 sample.

09:27:06 14 **Q.** And what pay period was that?

09:27:09 15 **A.** It was a period ended March 24th, 2007.

09:27:13 16 **Q.** That would be a two-week period ending
09:27:15 17 on that date?

09:27:16 18 **A.** A two-week pay period ending on March
09:27:18 19 24th.

09:27:19 20 **Q.** And how did you decide or select that
09:27:21 21 pay period as a sample?

09:27:27 22 **A.** In consultation with my manager, we
09:27:32 23 decided to select a recent pay period in a

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09:27:39 1 non-holiday week that we thought would be
09:27:45 2 representative of other pay periods.

09:27:48 3 Q. Did -- did you then with respect to
09:27:52 4 that pay period -- by the way, who was your manager
09:27:56 5 or supervisor?

09:27:57 6 A. Michael Fitzgerald.

09:27:59 7 Q. Now, with respect to that pay period,
09:28:03 8 did you look at the archived time report for each
09:28:08 9 individual -- each hourly individual who worked
09:28:10 10 during that time period?

09:28:14 11 A. Not for every hourly individual, no.

09:28:19 12 Q. Do you recall how many hourly employees
09:28:28 13 worked during that time period, the one which ended
09:28:32 14 March 24th, 2007?

09:28:39 15 A. I'm guessing 60 would be a good guess.

09:28:48 16 Q. Approximately 60?

09:28:50 17 A. Approximately 60.

09:28:51 18 Q. And of those approximately 60 hourly
09:28:55 19 employees, how many -- how many were reviewed?

09:29:01 20 A. Wow. I'm guessing 30 to 35.

09:29:12 21 Q. Now, is the information pertaining to
09:29:17 22 those 35 in this exhibit or, put otherwise, does
09:29:24 23 this exhibit include all 30 or 35 individuals whose

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09:29:30 1 archived time reports were examined in connection
09:29:32 2 with that pay period?

09:29:36 3 A. I can't say for sure because I can't
09:29:42 4 obviously examine every single document here, but
09:29:47 5 if they were employees that I looked at to include
09:29:51 6 in this sample, they should be in this packet here.

09:29:54 7 Q. Okay. But the packet which you
09:29:58 8 provided to Mr. Cohen and Mr. Cohen provided to me,
09:30:03 9 to your best knowledge, included all of the
09:30:05 10 individuals whose archived time reports you
09:30:07 11 examined in connection with this sample?

09:30:10 12 A. I believe it contains the ones that I
09:30:12 13 examined.

09:30:12 14 Q. Okay. Now, why -- why did you exclude
09:30:17 15 some of the hourly individuals who worked during
09:30:20 16 that time period?

09:30:23 17 A. I did not include employees who were
09:30:29 18 not employed as debt collectors. This focused
09:30:35 19 primarily on debt collectors.

09:30:37 20 Q. To your best recollection, did you
09:30:39 21 include all of the debt collectors who worked
09:30:42 22 during that time period?

09:30:43 23 A. I did not include all the debt

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09:30:47 1 collectors who worked during that time period.

09:30:49 2 Q. Now, with respect to debt collectors,
09:30:54 3 why did you exclude certain ones, or on what basis
09:30:57 4 did you exclude certain debt collectors?

09:31:00 5 A. I excluded some that could be easily
09:31:06 6 excluded based upon examination of their pay record
09:31:10 7 for that pay period that showed that they worked
09:31:14 8 very, very few hours, probably were part time, and
09:31:20 9 it would have been a waste of time to examine them
09:31:25 10 to see if they exceeded 40 hours.

09:31:30 11 Q. Was there any other basis upon which
09:31:33 12 people were excluded?

09:31:34 13 A. That was it.

09:31:44 14 Q. Okay. So the package should include
09:31:50 15 most, if not all, of the debt collectors who worked
09:31:55 16 pretty much full time during the pay period in
09:31:57 17 question?

09:31:57 18 A. It should include most who seemed as if
09:32:00 19 they worked full time.

09:32:01 20 Q. Okay. Now, with respect to
09:32:04 21 methodology, maybe if you would take a look with me
09:32:07 22 at the -- at the exhibit.

09:32:09 23 A. Okay.

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09:38:30 1 column M is 8 colon 21. The second one under the
09:38:37 2 column for T, or Tuesday, is 8 colon 15, et cetera.
09:38:43 3 What do those numbers represent?

09:38:45 4 A. Those numbers would be calculations of
09:38:49 5 the actual hours and minutes taking into account
09:38:54 6 breaks and lunches of time recorded on the archived
09:38:58 7 time reports for this employee for each of those
09:39:00 8 days.

09:39:00 9 Q. Okay. Now, to help us understand your
09:39:04 10 methodology here, could you -- why don't we just
09:39:07 11 take a look at the -- at the first one, Monday, and
09:39:15 12 I believe that's going to be Monday, March 12th, . . .
09:39:20 13 where there's 8 colon 21. By reference to the
09:39:25 14 archived time report for that date, could you
09:39:30 15 explain to me how you concluded the 8 colon 21?

09:39:38 16 A. I added the total amount of work time
09:39:44 17 based on these time entries --

09:39:47 18 Q. You mean, recorded time?

09:39:48 19 A. Recorded time using principles under --
09:39:51 20 of hours worked under the Fair Labor Standards Act.
09:39:56 21 I looked at the time in and time out, calculated
09:40:03 22 the total amount of time for the day, and deducted
09:40:09 23 bona fide break times which do not have to be

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09:40:13 1 counted as hours worked, and the resultant figure
09:40:19 2 would have been -- is the 8 hours and 21 minutes.

09:40:22 3 Q. Now, could you do that for us now?

09:40:25 4 A. Each one of these calculations was done
09:40:30 5 with a sharp pencil on a side piece of paper with a
09:40:34 6 calculator, and there was a lot of scratching and
09:40:37 7 erasing to get it accurate, so I don't know if I
09:40:39 8 could be as accurate as I was at that point.

09:40:41 9 Q. Would you like to use a piece of paper?

09:40:43 10 A. Well, I'll try it off the top of my
09:40:45 11 head and see.

09:40:47 12 Q. Sure.

09:40:52 13 A. First of all, the first entry is 9:53
09:40:57 14 a.m. This would have been one of the days that a
09:41:01 15 collector begins work at 10 a.m. rather than 8 a.m.

09:41:05 16 Q. The scheduled time would have been 10
09:41:07 17 a.m. to 7 p.m., as I recall?

09:41:11 18 A. Right. Their normal start time would
09:41:12 19 have been 8 a.m., but on certain days they would
09:41:16 20 begin at 10 a.m.

09:41:17 21 Q. Correct.

09:41:18 22 A. If you would -- from 10 a.m. -- from
09:41:24 23 9:53 -- I would add the time from 9:53 to 7:02, the

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09:41:31 1 total amount of time for that period, and it looks
09:41:35 2 like it would be nine hours and nine minutes.

09:41:42 3 Q. I would agree on that.

09:41:43 4 A. Okay. From that, I would subtract time
09:41:50 5 that would not have to be counted as work time
09:41:53 6 because it would be a bona fide break under the
09:41:56 7 Fair Labor Standards Act, so it looks as if -- and
09:42:00 8 allow me to follow through and recall how I may
09:42:03 9 have done this. 9:53 a.m. to 10:29 a.m. was
09:42:08 10 work -- was time punched in. Punched out at 10:29
09:42:16 11 for a break. Came back at 10:39. That would still
09:42:22 12 be considered work time. We would not deduct that
09:42:24 13 as a break. Recorded time out again at 12:01 p.m.
09:42:34 14 and came back at 12:22 p.m. That would be
09:42:40 15 considered bona fide break time which I could
09:42:43 16 deduct. It would be a 21-minute period which would
09:42:46 17 not be counted as work time.

09:42:51 18 Clocked out again at 2 p.m. for a break.

09:42:59 19 Clocked in at 2:11 p.m. We would consider that
09:43:03 20 period to be work time and would not deduct any
09:43:07 21 break time for that period. Clocked out at 4:01
09:43:14 22 p.m., appears to be for a break. Came back at 4:22
09:43:21 23 p.m. That would be a sufficient period of time

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09:43:24 1 that the Department of Labor would consider it to
09:43:26 2 be a break time and we would deduct that amount of
09:43:29 3 time.

09:43:31 4 Q. The 4:01 to 4:22 p.m. would be
09:43:35 5 considered a break as opposed to a second meal
09:43:37 6 period?

09:43:37 7 A. For purposes of the Fair Labor
09:43:41 8 Standards Act in hours worked it wouldn't matter to
09:43:44 9 us whether or not it was a break or a meal period,
09:43:46 10 but we would count it as time not worked because it
09:43:52 11 was -- met our standards for a bona fide break.

09:43:57 12 Q. I'm sorry, if it was a break I thought
09:44:00 13 it would count as time worked.

09:44:03 14 A. A break counts as time worked -- breaks
09:44:13 15 are counted as time worked because they're for the
09:44:16 16 convenience of the employer, because they add to
09:44:20 17 efficiency, et cetera. They don't have -- they
09:44:25 18 cannot be regarded -- disregarded as time not
09:44:27 19 worked unless they are at least 20 minutes in
09:44:30 20 length. So if the breaks that show up in these
09:44:33 21 archived time reports were at least 20 minutes,
09:44:36 22 then I did not count them as time worked and
09:44:40 23 deducted them.

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09:46:02 1 agreed was, what, nine minutes and -- I'm sorry,
09:46:08 2 nine hours, or am I doing that wrong?

09:46:11 3 A. Nine hours and nine minutes.

09:46:12 4 Q. Nine hours and nine minutes?

09:46:14 5 A. Yes.

09:46:14 6 Q. Did I do that right? Nine hours and
09:46:16 7 nine minutes. And then we subtract, or your
09:46:22 8 methodology would subtract the two longer break
09:46:26 9 periods, whether they be break periods, meal
09:46:28 10 periods, or what have you, they're 21 minutes each.

09:46:31 11 So you'd subtract the 42 minutes?

09:46:34 12 A. Yes.

09:46:34 13 Q. And the resulting number should be
09:46:37 14 8:21?

09:46:37 15 A. Should be, yes.

09:46:39 16 Q. Okay. But that's the methodology?

09:46:41 17 A. That's the methodology.

09:46:42 18 Q. Maybe the next one is a little bit
09:46:45 19 easier for us, and we'll just take that one,
09:46:49 20 because it now is what I understand to be the
09:46:52 21 regular time for a collector, the 8 a.m. to 4:30
09:47:00 22 p.m. daytime schedule; is that correct, Mr. Murray?

09:47:01 23 A. That's what this appears to be.

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09:50:13 1 attempted to determine the recorded time worked on
09:50:17 2 a daily basis, added the time up for the week to
09:50:23 3 determine the total weekly time recorded on these
09:50:26 4 archived time reports in each work week, if it was
09:50:30 5 over 40 hours.

09:50:33 6 Q. Now, my recollection in the response to
09:50:37 7 Interrogatories that is in the record was that
09:50:40 8 there was an average done that all of this time,
09:50:46 9 and correct me if I'm wrong, please, because I want
09:50:47 10 to be sure I understand this step a bit, that all
09:50:51 11 of these computations of these individuals were
09:50:54 12 added and then divided by the hours. And an
09:51:02 13 average, I believe was the response to the
09:51:06 14 Interrogatory, of ten minutes per day was arrived
09:51:09 15 at. Does that --

09:51:11 16 A. Ten minutes per day or 100 minutes per
09:51:16 17 two-week pay period.

09:51:17 18 Q. Correct. What I'm asking is how,
09:51:22 19 having done the exercise represented in Defendant's
09:51:28 20 number 1, you then arrived at the ten minutes per
09:51:31 21 day or 100 minutes per pay period. What was your
09:51:36 22 method in arriving at those numbers?

09:51:40 23 A. I took the recorded hours worked from

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09:51:46 1 the archived time reports which were transferred to
09:51:49 2 these sheets for each collector, and in this case
09:51:54 3 of Roy Alden it was one hour and 19 minutes. For
09:52:00 4 every collector, with the exception of the very
09:52:05 5 lowest one and the very highest one, which
09:52:08 6 somewhere in my statistical studies years ago they
09:52:11 7 said I should disregard the extremes. So I threw
09:52:14 8 them out and calculated an average amount of time
09:52:22 9 worked in excess of 40 hours per pay period per
09:52:27 10 collector in the sample.

09:52:29 11 Q. Now, when you say time worked, do you
09:52:31 12 mean time recorded?

09:52:32 13 A. Time recorded on the archived time
09:52:35 14 reports.

09:52:36 15 Q. And with respect to Alden, you
09:52:38 16 mentioned an hour and 19 minutes. That's the --
09:52:42 17 you derived that from the 41 hours and 19 minutes
09:52:48 18 that you calculated. Is that recorded to the hour,
09:52:51 19 19 minutes?

09:52:53 20 A. Exact -- in this particular case one
09:52:55 21 hour and 19 minutes would be the amount of recorded
09:52:57 22 time in excess of 40 hours for this particular
09:52:59 23 work.

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09:53:01 1 Q. And if we went through it, for example,
09:53:03 2 just going quickly to Alvarez which I think is the
09:53:09 3 second name in this packet, correct?

09:53:16 4 A. Yes.

09:53:17 5 Q. With respect to Alvarez, it would be,
09:53:22 6 for the one week, the first week actually in the
09:53:26 7 pay period would be 53 minutes recorded in excess
09:53:29 8 of 40 hours and in the second week in the pay
09:53:32 9 period it would be 46 minutes recorded in excess of
09:53:35 10 40 hours; is that correct?

09:53:36 11 A. Yes.

09:53:36 12 Q. Okay. And your conclusion, as I
09:53:48 13 understand the calculations, was that when you
09:53:52 14 divided the total of all of those recorded hours by
09:53:59 15 the scheduled hours, there was an average, I
09:54:01 16 believe, of 50 minutes per week over the scheduled
09:54:05 17 time?

09:54:06 18 A. It came to a bit more than that. It
09:54:07 19 came to -- first of all, I had to convert minutes
09:54:12 20 on base 60 to a decimal percentage to do this, but
09:54:16 21 it came to a bit more than 50 minutes per week, but
09:54:22 22 in the interest of attempting to simplify the
09:54:25 23 formula that I ultimately derived and also so as

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09:54:29 1 not to -- as to round down so as to try to minimize
09:54:32 2 any amount of error, I rounded down to the closest
09:54:38 3 whole number of hours which worked out to be 50
09:54:40 4 minutes per week. The actual calculation was
09:54:42 5 probably more than 50 minutes per week. I know it
09:54:47 6 was more than 50, by some small amount.

09:54:51 7 Generally, in my calculations, rounding down
09:54:55 8 in the company's favor in my estimates.

09:54:58 9 Q. Now, with respect to this methodology
09:55:04 10 then, and given the allegations in the complaint,
09:55:09 11 for example, and I just flipped back to Alden
09:55:11 12 because they happened to be on the top of the pile,
09:55:16 13 and if you'll take a look with me at the second
09:55:21 14 page in the packet and the entries on the archived
09:55:30 15 time card report for Alden for March 13 where we
09:55:36 16 have an entry -- an initial time recorded of 7:56
09:55:42 17 a.m.

09:55:44 18 Do you see that, Mr. Murray?

09:55:45 19 A. Yes, I do.

09:55:46 20 Q. In effect then it's the Secretary's
09:55:49 21 position that from 7:56 a.m. to 8 a.m., Alden's
09:55:56 22 scheduled start time, he was working. Is that
09:55:59 23 essentially the position?

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10:06:13 1 that packet for me.

10:06:14 2 **A.** This appears to be the packet of
10:06:21 3 worksheets that I used to make an estimate of back
10:06:26 4 wages owed for unpaid overtime by Security Credit.

10:06:31 5 **Q.** Now, just looking at the very top
10:06:40 6 sheet, an individual by the name of Abramson,
10:06:44 7 Abramson, I'm sorry, I mispronounced that, I see
10:06:48 8 the year and work week ending, a column on the left
10:06:53 9 there. How did you pick the work week ending or
10:06:57 10 the payroll period ending dates that are reflected
10:07:01 11 there?

.0:07:02 12 **A.** I have four pay periods listed for this
10:07:06 13 employee, and that was a result of me reviewing the
10:07:11 14 payroll records for this employee and recording the
10:07:19 15 work weeks -- I'm sorry, the pay periods in which
10:07:23 16 the pay records indicated 76 or more hours of work
10:07:30 17 paid for the pay period.

10:07:36 18 **Q.** Why 76 hours or more?

10:07:39 19 **A.** 76 hours was derived as a cutoff point
10:07:51 20 that could be used to sort out pay periods in which
10:07:58 21 collectors would have exceeded 40 hours work,
10:08:06 22 actual work time.

10:08:08 23 **Q.** Why would 76 be the cutoff number?

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10:08:12 1 A. In reviewing the archived time reports
10:08:18 2 and entering calculations of unpaid time as I
10:08:26 3 reviewed in the previous exhibit, I attempted to
10:08:32 4 discern a break point or a cutoff point below which
10:08:39 5 it could be -- employees could be eliminated as
10:08:43 6 probably not having worked in excess of 40 hours
10:08:47 7 per week, and at that level or above it was more
10:08:50 8 likely that they worked in excess of 40 or more
10:08:53 9 hours per week during the pay period.

10:08:59 10 Q. Would that -- I'm not sure that I
10:09:05 11 understand that, because it would seem to me that
10:09:07 12 80 would be the number and 76, to me, is
10:09:12 13 counterintuitive. Why would 80 not be the number?

10:09:16 14 A. Well, 80 would not be the number
10:09:19 15 because Security Credit, by its time-keeping
10:09:26 16 system, often failed to record time that the
10:09:30 17 Department of Labor would consider time worked.
10:09:35 18 And in many, many cases less than 80 hours were
10:09:39 19 recorded and paid for when, in fact, the time card,
10:09:43 20 the archived time reports indicated entries that
10:09:47 21 exceeded 40 hours per week or 80 hours per pay
10:09:52 22 period.

10:09:53 23 Q. Well, your conclusion after -- as I

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10:09:55 1 understood it, after examining the archived time
10:09:58 2 reports during the sample period was that there was
10:10:03 3 an average of 50 or slightly more than 50 minutes
10:10:07 4 per week that the Secretary believes should have
10:10:11 5 been recorded that was not. Am I not correct in
10:10:16 6 that?

10:10:16 7 A. That's basically right.

10:10:18 8 Q. And if that's the case, then why
10:10:20 9 wouldn't the magic number, for example, be 78 hours
10:10:25 10 or slightly more than that? In other words, 80
10:10:28 11 less 100 minutes.

10:10:31 12 A. In looking at the sample, as I said, I
10:10:36 13 attempted to determine a cutoff point where I could
10:10:39 14 eliminate certain employees, and there were in the
10:10:42 15 sample instances of employees working less than 76
10:10:45 16 hours in a pay period but still having unrecorded
10:10:51 17 time in excess of 40.

10:10:54 18 76 --

10:10:56 19 Q. Say that -- would you please repeat
10:10:59 20 that last answer for me? I don't know that I
10:11:01 21 follow that.

10:11:02 22 A. There were instances where employees in
10:11:06 23 my sample, if I recall, even worked -- were paid

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10:11:11 1 for less than 76 hours in a pay period and still
10:11:14 2 had unpaid time in excess of 40 shown on the
10:11:21 3 archived time reports.

10:11:22 4 This could be because one week was a
10:11:24 5 part-time week within the pay period, the following
10:11:27 6 week was a lengthy week for them. The company
10:11:29 7 would always deduct time when they worked less than
10:11:32 8 40 hours but never include time when they worked
10:11:35 9 more than 40 hours.

10:11:36 10 In an attempt to make a more clear-cut,
10:11:40 11 easily explainable calculation or estimate of
10:11:43 12 unpaid time, there was a need to determine where --
10:11:48 13 at what point I should cut off making a calculation
10:11:51 14 and give the company the benefit of the doubt, and
10:11:56 15 my best estimate looking at what I sampled was that
10:12:00 16 76 hours per pay period would have been a clear
10:12:03 17 break point where it would have captured most of
10:12:06 18 the instances of hours in excess of 40, not all,
10:12:09 19 but most.

10:12:13 20 Q. I'll come back to that in a minute.

10:12:21 21 Taking a look at the Abramson computation
10:12:27 22 sheet, the first sheet of Defendant's Exhibit 2,
10:12:32 23 where I see the total hours for those four pay

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10:12:35 1 periods generally being -- I think -- it's not a
10:12:39 2 very satisfactory copy, but generally 79 hours
10:12:43 3 plus.

10:12:43 4 A. It looks as if in this case everybody
10:12:46 5 was 79 and some fraction.

10:12:48 6 Q. Yes. I'm not sure about the third one,
10:12:51 7 the third number.

10:12:51 8 Now, explain to me then what the calculation
10:12:54 9 is with respect -- under the line there, there's a
10:12:59 10 four times 1.66 times 9 times time and a half.

10:13:03 11 Perhaps you'd be good enough to explain that
10:13:06 12 calculation.

10:13:07 13 A. This is a calculation that is an
10:13:09 14 estimate of unpaid overtime owed to this employee.
10:13:16 15 The 9 is his rate of pay, \$9 per hour that was in
10:13:21 16 effect in all of these pay periods. 1.66 is the
10:13:26 17 estimated amount of unpaid hours per pay period.
10:13:34 18 1.66 is 1.66 hours. That is 100 out of 120 minutes
10:13:45 19 or 50 minutes per week rounded down from the
10:13:50 20 fraction which actually would be closer to 1.67,
10:13:55 21 rounded down to 1.66.

10:13:59 22 Number 4 is the incidences that I recorded
10:14:02 23 with this employee was shown as being paid for 76

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10:14:07 1 or more hours per pay period. To estimate the
10:14:11 2 unpaid overtime in this calculation I multiplied
10:14:16 3 1.66 hours times the employee's rate of pay, \$9 per
10:14:24 4 hour, times one and a half for time and one half,
10:14:28 5 which I indicated as T and one half on this sheet,
10:14:32 6 meaning 1.5, times the number of instances noted
10:14:36 7 where there were 76 or more hours per pay period,
10:14:40 8 resulting in an estimate of \$89.64 of unpaid time
10:14:46 9 and a half for this employee.

10:14:48 10 Q. Hypothetically, if the total numbers
10:14:51 11 for Abramson were 78 or less based on the 1.66,
.0:15:02 12 isn't it so -- isn't it true that there would not
10:15:05 13 have been any allegedly uncompensated overtime?

10:15:14 14 A. I'm not sure what you mean.

10:15:15 15 Q. Well, if it's -- if the number -- if
10:15:18 16 the total number were 78 hours or fewer, adding
10:15:25 17 1.66 hours, which is what the 1.66 is translated
10:15:30 18 from minutes to hours in a pay period, would not
10:15:35 19 get you over the 40-hour per week limit. I mean,
10:15:40 20 there would be no basis for uncompensated overtime.

10:15:43 21 A. These numbers recorded here as hours
10:15:45 22 are hours paid for by the company, and in examining
10:15:52 23 their archived time reports, it indicated that the

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10:15:56 1 company routinely failed to pay for all hours that
10:15:59 2 were recorded, and whether it would have been 78,
10:16:06 3 79, or 77, I would have recorded every pay period
10:16:11 4 with at least 76 hours as a pay period in which it
10:16:15 5 is estimated the employee exceeded 40 hours in some
10:16:23 6 of the weeks.

10:16:24 7 Q. I understand your response and the
10:16:29 8 Secretary's allegation here, but my question is:
10:16:34 9 If the prior calculation represented by Defendant's
10:16:40 10 Exhibit 1 and your testimony with respect to that
10:16:43 11 exhibit which indicated unrecorded time of 50
10:16:51 12 minutes, slightly more than 50 minutes per week, if
10:16:58 13 that's correct, if that's the basis of the
10:17:00 14 allegation of uncompensated overtime, then there
10:17:05 15 wouldn't be any uncompensated overtime if the
10:17:10 16 individual had 78 hours or fewer in the work week.

10:17:17 17 A. In our estimate, there would be,
10:17:19 18 because, once again, these numbers quoted here are
10:17:23 19 only the time actually paid for, and since it was
10:17:27 20 the practice of the company not to pay for all
10:17:30 21 hours, these are unreliable figures.

10:17:35 22 Q. And it's the determination of yourself
10:17:39 23 representing the Secretary that the company

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10:17:43 1 underpaid 50 minutes a week?

10:17:45 2 **A.** On average for the category of
10:17:47 3 employees. Of time and one half, not counting
10:17:53 4 straight time less than 40 hours, which was not
10:17:57 5 included in this, which could also have been
10:18:00 6 calculated.

10:18:05 7 **Q.** So the Secretary's position then, as I
10:18:07 8 understand it, is essentially that even though the
10:18:11 9 calculation would be an underpayment of, on
10:18:16 10 average, 50 minutes, there would still be
10:18:19 11 uncompensated overtime if the employer paid for 78,
10:18:31 12 77, or 76 hours? Is that the Secretary's position?

10:18:35 13 **A.** There could be many instances like
10:18:37 14 that.

10:18:37 15 **Q.** Well, in fact, that's what the
10:18:39 16 calculations are.

10:18:40 17 **A.** That's what there is here, yes.

10:18:42 18 **Q.** In Defendant's Exhibit number 2, there
10:18:45 19 are pay periods, are there not, which reflect a
10:18:49 20 payment of 76 hours or 77 hours by the defendant?

10:18:55 21 **A.** Yes.

10:18:55 22 **Q.** Sure. And even with respect to
10:18:59 23 those -- those pay periods, the Secretary is

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10:19:02 1 alleging that there is uncompensated overtime, even
10:19:07 2 though the Secretary believes that the company
10:19:12 3 failed to pay only 50 minutes a week?

10:19:16 4 **A.** Yes, based upon the company's practice
10:19:19 5 of failing to count time in excess of 40 but always
10:19:25 6 reducing the amount of hours that were paid for
10:19:29 7 when an employee came back late from lunch or late
10:19:32 8 from break.

10:19:32 9 **Q.** That's where the 50 minutes comes from.

10:19:35 10 **A.** An estimate of the unpaid time in
10:19:37 11 excess of 40, yes, that's what the 50 minutes is.

10:19:52 12 **Q.** So if the work week has 39 or fewer
10:20:08 13 hours in it, on what basis does the Secretary
10:20:12 14 allege that there's uncompensated overtime?

10:20:15 15 **MR. COHEN:** Objection to the question as
10:20:17 16 vague, ambiguous. You may answer.

10:20:21 17 **THE WITNESS:** That -- the estimate we made
10:20:24 18 based upon sampling of time card reports and
10:20:27 19 interviewing of employees indicated that there
10:20:32 20 was -- there were instances of overtime worked in
10:20:35 21 excess of 40 hours per week even in pay periods
10:20:39 22 where employees were paid for as few as 76 hours in
10:20:43 23 the pay period.

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10:20:44 1 BY MR. SCHMIT:

10:20:45 2 Q. So, in other words, one of the two
10:20:49 3 weeks in that pay period could have uncompensated
10:20:58 4 time, allegedly uncompensated time over 40?10:21:02 5 A. An employee could have worked two hours
10:21:04 6 in excess of 40 in one pay period but no hours at
10:21:08 7 all in excess of 40 in the other, of the work week
10:21:14 8 within the pay period.10:21:15 9 Q. Was there any calculation involved in
10:21:21 10 determining that 76 hours was the correct cutoff
10:21:27 11 point?10:21:28 12 A. Using the sample from the archived time
10:21:33 13 reports for March 24th, 2007, 76 hours was
10:21:42 14 determined to be the major break point above which
10:21:47 15 the -- at which or above the preponderance of
10:21:52 16 unpaid hours was noted and recorded.10:21:54 17 There were instances in which employees were
10:21:59 18 paid for less than 76 hours. In an attempt to find
10:22:07 19 an even easily identifiable number to base the
10:22:11 20 calculations on, 76 was chosen.10:22:17 21 Q. But basically any pay period, according
10:22:23 22 to the Secretary's allegation, any pay period in
10:22:27 23 which the employer paid 76 hours or more, the**JACK W. HUNT & ASSOCIATES, INC.**

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10:22:37 1 employer is liable for uncompensated overtime?

10:22:40 2 A. Yes, a calculation was made to estimate

10:22:43 3 the amount of unpaid overtime for collectors in pay

10:22:48 4 periods with 76 or more hours of paid time on the

10:22:51 5 pay records.

10:22:55 6 Q. And that would be true even though the

10:23:01 7 individual may not actually, even with the

10:23:07 8 50-minute average determined, may never have worked

10:23:14 9 more than 40 hours in that week?

10:23:20 10 A. Based upon the estimate that was made

10:23:25 11 and the preponderance of evidence, the pattern

.0:23:28 12 showed that employees did exceed more than 40 hours

10:23:32 13 per week, that for -- this was the basis upon which

10:23:37 14 the calculations were made.

10:23:38 15 Q. There is no statutory obligation to pay

10:23:42 16 overtime for hours worked in excess of 76 in a

10:23:46 17 two-week pay period, is there?

10:23:47 18 A. No.

10:23:55 19 Q. Could you turn with me to the second

10:24:32 20 and third and fourth sheets. They relate to a Roy

10:24:41 21 Alden --

10:24:44 22 A. Yes.

10:24:44 23 Q. -- who we previously talked about in

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1 STATE OF NEW YORK)

2 | Page

3 COUNTY OF ERIE)

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I DO HEREBY CERTIFY as a Notary Public in and
for the State of New York, that I did attend and
report the foregoing deposition, which was taken
down by me in a verbatim manner by means of machine
shorthand. Further, that the deposition was then
reduced to writing in my presence and under my
direction. That the deposition was taken to be
used in the foregoing entitled action. That the
said deponent, before examination, was duly sworn
to testify to the truth, the whole truth and
nothing but the truth, relative to said action.

16

17

18

10

10

Joan M. Metzger-Hubbell
JOAN M. METZGER-HUBBELL,
CRR, RMR, RPR,
Notary Public.

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Exhibit J

DOL - Wage Transcription and Computation Sheet

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division

Establishment

Date

Employee

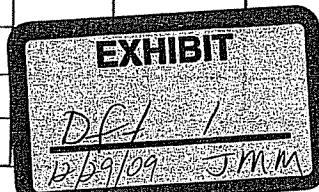
Social Security No.

Address

Occupation

(Zip Code)

Year and Workweek Ending	Hours Worked						Rate of Pay		Other 1	Other 2		Amount Due Employee
	M	T	W	Th	F	Total						
1/24/07												
3/04	8	8	8	8	8	40						
	8 hrs VAC	8 hrs SVA	8 hrs SVA	8 hrs SVA	8 hrs SVA	40						
3/17	8	8	8	8	8	40						
	8:21	8:15	8:15	8:14	8:14	41:19						



Archived Time Card Report

Includes selected workgroups for all employees who are Active.

Alden, Roy

02/15/07					8.00	Regular	
02/16/07					8.00	Sick	
02/19/07	9:52a 1:22p 5:34p	11:28a 2:44p 7:03p	11:37a 2:55p	1:00p 5:11p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
02/19/07					8.00	Regular	
02/20/07	7:54a 2:36p	12:31p 4:32p		2:29p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
02/20/07					8.00	Regular	
02/21/07	7:53a 12:59p	9:32a 2:26p	9:42a 2:37p	12:30p 4:31p	8.00	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Shrt. Brk.
02/21/07					8.00	Regular	
02/22/07	7:54a 12:54p	9:27a 2:33p	9:40a 2:43p	12:30p 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
02/22/07					8.00	Regular	
02/23/07	7:57a 12:53p	9:27a 2:15p	9:36a 2:24p	12:31p 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
02/23/07					8.00	Regular	
02/26/07	9:52a 1:25p	11:31a 5:00p	11:41a 5:23p	1:02p 7:02p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
02/26/07					8.00	Regular	
02/27/07	7:57a 12:51p	9:26a 2:29p	9:33a 2:39p	12:30p 4:33p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
02/27/07					8.00	Regular	
02/28/07	7:57a 12:54p	9:40a 2:31p	9:50a 2:41p	12:30p 4:33p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
02/28/07					8.00	Regular	
03/01/07	7:55a 12:53p	9:34a 2:23p	9:43a 2:32p	12:32p 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/01/07					8.00	Regular	
03/02/07					8.00	Eamed	
03/05/07	9:54a 1:23p 5:21p	11:25a 3:02p 7:02p	11:36a 3:11p	1:00p 5:00p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/05/07					8.00	Regular	
03/06/07	7:53a 12:54p	9:33a 2:34p	9:42a 2:45p	12:31p 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/06/07					8.00	Regular	
03/07/07	7:54a 12:52p	9:26a 2:32p	9:38a 2:42p	12:30p 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/07/07					8.00	Regular	
03/08/07	7:54a 12:51p	9:24a 2:31p	9:34a 2:40p	12:30p 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/08/07					8.00	Regular	
03/09/07	7:54a 12:52p	9:23a 2:34p	9:33a 2:43p	12:30p 4:31p	8.00	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Shrt. Brk.
03/09/07					8.00	Regular	
03/12/07	9:53a 12:22p 4:22p	10:29a 2:00p 7:02p	10:39a 2:11p	12:01p 4:01p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/12/07					8.00	Regular	
03/13/07	7:56a 11:52a	8:27a 1:33p	8:38a 1:44p	11:31a 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun.
03/13/07					8.00	Regular	
03/14/07	7:55a 11:51a	8:25a 2:35p	8:34a 2:42p	11:31a 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/14/07					8.00	Regular	
03/15/07	7:54a 11:55a	8:24a 2:38p	8:36a 2:48p	11:31a 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/15/07					8.00	Regular	
03/16/07	7:54a 12:55p	9:28a 2:37p	9:36a 2:45p	12:31p 4:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br
03/16/07					8.00	Regular	
03/19/07					8.00	Vacation	
03/20/07					8.00	Sick	
03/21/07	7:56a	9:28a	9:39a	12:33p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Br

3/24/07

D-6

Archived Time Card Report

Includes selected workgroups for all employees who are Active.

Alden, Roy

3/16/07

		12:54p	2:36p	2:45p	4:32p	8.00	Regular 10:00a/ 7:00p	Arr. Early, Shirt. Lun., Shirt. Brk.
	03/21/07	9:53a	11:27a	11:36a	1:00p	8.00		
	03/22/07	1:21p	2:47p	2:56p	5:00p			
		5:21p	7:01p					
	03/22/07					8.00	Regular	
	03/23/07	7:55a	9:26a	9:36a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Shirt. Lun., Shirt. Brk.
	03/23/07	12:51p	2:27p	2:38p	4:31p	8.00		
	03/26/07					8.00	Regular	
	03/26/07	9:55a	11:23a	11:34a	1:00p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shirt. Lun.; Shirt. Brk.
		1:22p	2:44p	2:53p	5:01p			
		5:22p	7:02p					
	03/26/07					8.00	Regular	
	03/27/07	7:53a	9:24a	9:36a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun.
	03/27/07	12:54p	2:31p	2:42p	4:32p	8.00		
	03/27/07					8.00	Regular	
	03/28/07	7:58a	9:26a	9:38a	12:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	03/28/07	12:53p	2:27p	2:37p	4:32p	8.00		
	03/28/07					8.00	Regular	
	03/29/07	9:55a	11:24a	11:32a	1:00p	8.00	10:00a/ 7:00p	Arr. Early, Shirt. Lun., Shirt. Brk.
	03/29/07	1:21p	3:09p	3:19p	5:01p			
	03/29/07	5:22p	7:01p					
	03/30/07					8.00	Regular	
	03/30/07	7:55a	9:27a	9:39a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
		12:50p	2:27p	2:37p	4:32p			
	03/30/07					8.00	Regular	
	04/02/07	9:56a	11:25a	11:36a	1:00p	8.00	10:00a/ 7:00p	Arr. Early, Shirt. Lun., Shirt. Brk.
	04/02/07	1:21p	2:44p	2:53p	5:00p	8.00		
	04/02/07	5:22p	7:01p					
	04/02/07					8.00	Regular	
	04/03/07	7:53a	9:25a	9:36a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	04/03/07	12:55p	2:28p	2:38p	4:32p	8.00		
	04/03/07					8.00	Regular	
	04/04/07	7:55a	9:24a	9:33a	12:35p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	04/04/07	12:56p	2:28p	2:38p	4:32p	8.00		
	04/04/07					8.00	Regular	
	04/05/07	7:57a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Shirt. Lun., Shirt. Brk.
	04/05/07	12:52p	2:43p	2:52p	4:31p	8.00		
	04/05/07					8.00	Regular	
	04/06/07	7:54a	9:25a	9:35a	12:30p	7.78	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk., Shirt. Br.
	04/06/07	12:51p	2:32p	3:09p	4:30p			
	04/06/07					7.78	Regular	
	04/09/07	9:54a	11:25a	11:36a	1:01p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	04/09/07	1:21p	2:32p	2:40p	5:01p	8.00		
	04/09/07	5:21p	7:03p					
	04/09/07					8.00	Regular	
	04/10/07	10:13a	11:27a	11:35a	12:31p	5.90	8:00a/ 4:30p	Tardy, Left Late, Long Brk., Shirt. Brk.
	04/10/07	12:51p	2:50p	3:00p	4:33p	2.00	Earned	
	04/10/07					5.90	Regular	
	04/10/07							dr's
	04/11/07	7:55a	9:25a	9:36a	12:36p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	04/11/07	12:57p	2:20p	2:29p	4:32p	8.00		
	04/11/07					8.00	Regular	
	04/12/07	7:56a	9:32a	9:44a	12:33p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun.
	04/12/07	12:55p	2:26p	2:39p	4:32p	8.00		
	04/12/07					8.00	Regular	
	04/13/07	7:56a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	04/13/07	12:56p	2:27p	2:36p	4:32p	8.00		
	04/13/07					8.00	Regular	
	04/16/07					8.00	Earned	
	04/17/07	7:56a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	04/17/07	12:52p	2:37p	2:48p	4:32p	8.00		
	04/17/07					8.00	Regular	
	04/18/07	7:56a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shirt. Lun., Shirt. Brk.
	04/18/07	12:52p	2:35p	2:43p	4:32p	8.00		

Exhibit K

Fazio - Schmit - 12/29/09

18

14:22:28 1 Q. So you wouldn't have anything from the
14:22:30 2 collectors at that time?

14:22:31 3 A. What we would have is, we had a file
14:22:36 4 that the collectors, sometimes when they called the
14:22:40 5 debtor, they would get more than one day. Like
14:22:44 6 they would make a bunch of payments, so this file
14:22:47 7 consisted of dates, so I would grab each date so I
14:22:55 8 didn't have to wait for the collectors because they
14:22:57 9 would be in the file, and I would grab those and
14:22:59 10 start working on those.

14:23:03 11 Q. Before the collectors got there?

14:23:04 12 A. Yes.

14:23:05 13 Q. And that's what you could do then from
14:23:07 14 7:20 or 7:25 until 8 o'clock when the collectors
14:23:13 15 arrived?

14:23:13 16 A. Right.

14:23:18 17 Q. Did -- with respect to the -- your
14:23:31 18 lunch, your meal break that you mentioned, you said
14:23:34 19 it was 30 minutes?

14:23:35 20 A. Yes.

14:23:35 21 Q. Would you also activate the hand reader
14:23:41 22 in connection with that?

14:23:41 23 A. Yes.

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Fazio - Schmit - 12/29/09

19

14:23:41 1 Q. Would you and Kathy as a rule take the
14:23:46 2 full 30-minute lunch period?

14:23:48 3 A. Oh, yes.

14:23:49 4 Q. Okay. And with respect to your ending
14:23:57 5 time which is, say, 4 o'clock in the beginning and
14:24:00 6 then 4:30, would you end your day at 4 or 4:30?

14:24:03 7 A. Yes.

14:24:03 8 Q. And you would cease work at that time
14:24:06 9 and then proceed to the hand swiper?

14:24:09 10 A. Right.

14:24:09 11 Q. Okay. So would you go to the hand
14:24:12 12 reader perhaps a minute or two after you finished
14:24:16 13 work?

14:24:17 14 A. Yes.

14:24:17 15 Q. After you finished work, before you
14:24:21 16 left, would you go to the ladies' room or --

14:24:25 17 A. Sometimes.

14:24:27 18 Q. And then you would go from your work
14:24:30 19 station to the hand reader?

14:24:32 20 A. Right.

14:24:32 21 Q. Okay. Were you a smoker?

14:24:48 22 A. I used to be, yes.

14:24:49 23 Q. Were you a smoker when you worked at

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5 I DO HEREBY CERTIFY as a Notary Public in and
6 for the State of New York, that I did attend and
7 report the foregoing deposition, which was taken
8 down by me in a verbatim manner by means of machine
9 shorthand. Further, that the deposition was then
10 reduced to writing in my presence and under my
11 direction. That the deposition was taken to be
12 used in the foregoing entitled action. That the
13 said deponent, before examination, was duly sworn
14 to testify to the truth, the whole truth and
15 nothing but the truth, relative to said action.

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-----*Joan M. Metzger-Hubbell*-----
JOAN M. METZGER-HUBBELL,
CRR, RMR, RPR,
Notary Public.

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Exhibit L

King - Schmit - 12/30/09

23

10:29:27 1 Q. Would you say that on most days you
10:29:31 2 took a full 30-minute lunch period?
10:29:35 3 A. I would probably say yes.
10:29:38 4 Q. What time did your scheduled work time
10:29:41 5 end?
10:29:41 6 A. 4:30.
10:29:43 7 Q. Okay. And what would you do then?
10:29:45 8 A. In most cases, in all honesty, I was at
10:29:49 9 the end of the line, always at the end of the line.
10:29:51 10 Q. We've been hearing about the line.
10:29:53 11 A. It didn't matter. I was always at the
10:29:55 12 end of the line, and there were people that would
10:29:57 13 line up at 20 after, and Mr. DiMaria would still --
10:30:00 14 or somebody would come out and scream that we pay
10:30:03 15 you until 4:30, I don't want you people off these
10:30:05 16 phones until 4:30. So in that case, by 4:35, 4:40
10:30:11 17 when I got, you know, the germs of, you know, 35
10:30:14 18 people, maybe 40 people in front of me because we
10:30:18 19 never had -- hardly ever had sanitizer there --
10:30:21 20 Q. We're going to have another government
10:30:24 21 agency.
10:30:25 22 A. Right. So I was at the end of the
10:30:27 23 line, and in most cases, you know, I'd get out by,

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King - Schmit - 12/30/09

24

10:30:32 1 you know, 35, 40 minutes -- you know, 20 to 5.

10:30:36 2 Q. Let's sort of take all that information
10:30:39 3 in sort of bite-size pieces here for a second.

10:30:42 4 A. Okay.

10:30:42 5 Q. There were collectors that were in line
10:30:45 6 before 4:30?

10:30:46 7 A. Sure.

10:30:47 8 Q. Approximately how many?

10:30:50 9 A. Oh, usually the same five or six that
10:30:53 10 would flock up there, and then sometimes I'd see
10:30:56 11 maybe ten, and then I'd start wondering, should I
10:31:01 12 start inching my way up there.

10:31:02 13 Q. To get in line?

10:31:04 14 A. Right. And, you know, like I said,
10:31:07 15 typically -- I mean, there would even be on rare
10:31:11 16 occasions that the phone would ring. The phones
10:31:14 17 didn't stop working at 4:30 or 4:29 or whatever the
10:31:17 18 case would be, so if someone was on the phone, I
10:31:20 19 certainly, you know, would try to wrap that call up
10:31:23 20 as quickly as possible.

10:31:25 21 Q. Absent a phone call say at 4:29, would
10:31:28 22 you generally stop working at 4:30?

10:31:30 23 A. I'd be lying if I said no. I mean, I

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Exhibit M

Lojeck - Schmit - 12/30/09

7

13:34:48 1 there was -- you know, I'm trying to remember. One
13:34:53 2 of them was if you were on target, you didn't have
13:34:56 3 to do it, but there were some late Mondays and some
13:34:59 4 late Thursdays that I don't remember honestly the
13:35:01 5 exact sequence of.

13:35:02 6 Q. And depending upon whether or not you
13:35:05 7 were on target --

13:35:05 8 A. Yeah, and I think one of them you had
13:35:07 9 to work. One of them was every week, and then the
13:35:10 10 other was if you were on target, you could or you
13:35:13 11 couldn't. It was your option.

13:35:14 12 Q. But otherwise your schedule was 8 to
13:35:17 13 4:30?

13:35:17 14 A. Correct.

13:35:17 15 Q. And did that include a 30-minute unpaid
13:35:20 16 meal period?

13:35:21 17 A. It did.

13:35:23 18 Q. With respect to that 30-minute unpaid
13:35:30 19 meal period, did you take that meal period each
13:35:35 20 day?

13:35:35 21 A. Yes.

13:35:36 22 Q. And did you take the full 30 minutes?

13:35:41 23 A. Yeah. I would say almost without

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Lojeck - Schmit - 12/30/09

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13:35:43 1 exception, yeah.

13:35:47 2 Q. With respect to the end of the day --

13:35:51 3 A. Yes.

13:35:51 4 Q. -- your schedule ended at 4:30?

13:35:55 5 A. Yes.

13:35:58 6 MR. SCHMIT: Off the record a second.

13:35:59 7 (Discussion off the record.)

13:36:18 8 BY MR. SCHMIT:

13:36:25 9 Q. And your normal quitting time was 4:30?

13:36:27 10 A. 4:30, right.

13:36:28 11 Q. And would you generally stop work at

13:36:30 12 4:30?

13:36:31 13 A. Certainly. You know, very rarely you
13:36:35 14 might be on the phone with a student or somebody
13:36:38 15 for a minute or two, but yeah.

13:36:40 16 Q. But that would be rare?

13:36:41 17 A. That would be rare, yeah.

13:36:44 18 Q. And then you would go to the swipe
13:36:47 19 machine?

13:36:47 20 A. Well, generally you'd go to the line
13:36:49 21 for the swipe machine, but yeah, you'd kind of get
13:36:54 22 on line to start to make your way out.

13:36:55 23 Q. How long would it take you generally?

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13:36:57 1 **A.** Well, you know, depending where you
13:36:58 2 were in the line, it could be a couple of minutes.
13:37:01 3 It could be as long as, I guess, five or six
13:37:04 4 minutes in the extreme.

13:37:06 5 **Q.** Now, in the morning, let's go to the
13:37:18 6 morning and talk about that for a bit, your
13:37:21 7 scheduled start time was 8 o'clock?

13:37:23 8 **A.** Yes.

13:37:26 9 **Q.** Would you generally swipe in or punch
13:37:29 10 in at 8 o'clock?

13:37:32 11 **A.** The line -- the line in the morning
.3:37:37 12 would often create a time when you were in the
13:37:39 13 building at 8 but wouldn't swipe or punch in until
13:37:42 14 8:02, 8:03 or whatever.

13:37:47 15 **Q.** Would that be your general experience?

13:37:49 16 **A.** Yes, that would.

13:37:50 17 **Q.** Were there any occasions on which you
13:37:52 18 personally swiped in before 8 o'clock?

13:37:55 19 **A.** Sure.

13:37:56 20 **Q.** Many of those?

13:37:57 21 **A.** No, probably not.

13:37:59 22 **Q.** More generally 8 or a little after?

13:38:01 23 **A.** Yes, closer -- closer to 8 than much

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13:39:32 1 everyone, the line at 4:30. How many people would
13:39:35 2 be in that line waiting to swipe out?

13:39:37 3 **A.** Depending on the staffing levels, I
13:39:41 4 would estimate that you were looking at -- and I
13:39:43 5 don't know the number, but off the top of my head
13:39:46 6 I'd say 70 or more as the potential line, beginning
13:39:49 7 to end.

13:39:49 8 **Q.** 70 people or more?

13:39:50 9 **A.** Yeah.

13:39:50 10 **Q.** And when would they begin to line up?

13:39:53 11 **A.** A few minutes before 5, and if it was
13:39:59 12 too much before 5 --

13:40:00 13 **Q.** You mean 5 or 4:30?

13:40:02 14 **A.** 4:30. A few minutes before 4:30, and
13:40:06 15 most people would get up probably a lot closer to
13:40:09 16 4:30.

13:40:10 17 **Q.** And how about in the morning, how many
13:40:12 18 people would be lined up to swipe in?

13:40:15 19 **A.** As you got closer to 8, more and more.
13:40:19 20 You could get off the elevator at -- at the Main
13:40:23 21 Street location and be 15th in line, you know, 15
13:40:26 22 to 20, as deep as that around 8 o'clock, yeah.

13:40:30 23 **Q.** Would that normally be your experience?

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